

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, as Executrix of the
ESTATE of HELEN RUNGE,

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants.

Civil Action No. 05-10849-RGS

TRIAL MEMORANDUM OF DEFENDANT SUNBRIDGE

Pursuant to this Court's October 12, 2007 order, Defendant Mediplex of Massachusetts, Inc. d/b/a SunBridge Care and Rehabilitation for Randolph submits the following:

1. Discussion of issues of law likely to arise at trial

In addition to the pending motions in limine, there are a number of evidentiary and procedural issues that will need to be addressed by the Court.

A. Depo Designations

The Plaintiff has designated three depositions "in their entirety." Given that the Plaintiff has refused to provide meaningful designations, the Defendants cannot make meaningful objections and counter designations.

B. Out-of-State witnesses

The Plaintiff has subpoenaed a former SunBridge employee, Farrah Seidler, who currently resides in Pennsylvania. The parties traveled to Pennsylvania to take this individual's deposition in May of 2007 and this deposition is available for proper designation and use at trial.

Even though Plaintiff's counsel has been informed that Ms. Seidler is unavailable to give live testimony at trial, given the considerable distance she would have to travel in order to give such testimony, Plaintiff's counsel has pressed forward with insisting that Ms. Seidler contact them regarding travel plans.

C. Discovery documents as exhibits

Plaintiff's counsel has listed a number of discovery documents on their proposed exhibit list, include entire depositions and interrogatory responses.

2. Expected length of trial

Seven to ten days.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a
SunBridge Care and Rehabilitation for
Randolph**

by its attorneys,

/s/ Michael Williams

K. Scott Griggs (BBO# 555988)
Michael Williams (BBO# 634062)
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210-1736
Telephone: (617) 439-4990
Facsimile: (617) 439-3987
MWilliams@Lawson-Weitzen.com

CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 16, 2008.

/s/ Michael Williams